



LEGAL SERVICES FOR NEW YORK CITY

**THE LSNY “KEEPING FAMILIES TOGETHER” PROJECT:**  
**CASE NARRATIVES**  
**APRIL, 2002**

*Following are just a few cases illustrative of the work of the LSNY “Keeping Families Together” Project:*

**The Case of Ms. P.**

Currently MFY Legal Services is providing representation to a single mother, Ms. P., who suffers from panic disorders. Her 3-year-old daughter was removed from her home after her landlord complained that she abused drugs and her apartment was a mess and a fire hazard. Her landlord also filed a nonpayment case against her in Housing Court. Additionally she was no longer receiving welfare benefits or her “Jiggetts” grant (a court-ordered increased shelter allowance). After strenuous advocacy on the part of her family law attorney, Adult Protective Services cleaned her apartment. With the assistance of our office in her housing, family law and benefits cases, her housing and financial situations are stabilized, increasing the likelihood that the child will be returned.

Originally Ms. P.’s faced drug abuse allegations in Family Court. With MFY’s assistance, drug testing was scheduled, revealing that she did not abuse drugs, but was taking medication pursuant to a valid prescription and treatment plan. Documentation was submitted by MFY from the treating physician and the drug charges were withdrawn, leaving only the issue of the messy house. With assistance from a social work intern, services have been put in place for Ms. P. and her daughter, including full time day care, counseling and group work services. We are also requesting homemaker services and rent assistance. The child is with her godmother, Ms. P. has unsupervised visits and the child's return to her mother is expected soon.

**The Case of Ms. A.**

Harlem Legal Services (HLS) established a multidisciplinary collaborative to provide legal, clinical, counseling and preventive services to victims of domestic violence. Since receiving funding for the Keeping Families Together Initiative, HLS has expanded the collaborative to serve parents in child protective proceedings. The members of the collaborative are Alianza Dominica, Columbia Presbyterian, Harlem Hospital, the N.Y. County District Attorney's Office and Louise Wise Services for Children and Families. Louise Wise Services' office is in the same building as HLS, where they will soon be joined by ACS' Manhattan field office. This proximity will enhance HLS' ability to communicate and collaborate effectively on behalf of parents. The relationship with Louise Wise Services has been a critical factor in the resolution of several neglect cases. For example: ACS removed Ms. A's newborn and five-year-old based on allegations of domestic violence and excessive corporal punishment by the infant's father. HLS assisted Ms. A. in moving to a confidential address and then secured the return of

the infant within six weeks of the removal. Louise Wise provided social work services to the family, resulting in Ms. A. obtaining joint custody of the five-year-old with that child's father

### **Case of Edie A.**

Edie A. and her one-year-old daughter were living together in a mother-child residential drug treatment program pursuant to a disposition in a neglect case. Ms. A. and daughter were about to be discharged from the program when ACS suddenly, and without notice, removed her child from the program and thus, her custody. ACS alleged that the removal was necessary because the drug treatment program reported that Ms. A. had left the program and relapsed. ACS removed the child from the program without investigating the report or speaking to Ms. A.

Ms. A. sought the assistance of South Brooklyn Legal Services (SBLS) which immediately investigated the facts of the case and learned that Ms. A. had never left, or expressed any intent to leave, the drug treatment program, that her urine had tested clean for illegal drugs for twelve months, she had graduated from a vocational training program and completed a parenting skills course and that a major conflict had developed between Ms. A. and the drug treatment program over the medical needs of the baby.

Shortly after the baby joined Ms. A. at the drug treatment program, it became apparent that the child was severely ill. Ms. A. sought expert medical attention for her baby, who was diagnosed with severe, chronic asthma. Doctors at Bellevue Hospital suggested that specialists at their outpatient asthma clinic see the child on a regular basis. The drug treatment program did not agree with this plan because they did not want Ms. A. making frequent trips to the clinic. The drug treatment program decided that the child's health needs could be met by an on-site nurse practitioner instead. Ms. A. defied the program and continued to take her child to the Bellevue clinic. One day when Ms. A. took her baby to a medical appointment at the Bellevue clinic, the program contacted ACS and informed them that she had left the program permanently. SBLS requested a 1028 hearing and brought many of these facts to light. ACS agreed to settle the case and returned the baby to the care of Ms. A., who is now living in the community, working full-time and attending an outpatient drug treatment program.

### **The Case of Carmen P.**

Ms. P. came to Bronx Legal Services (BLS) seeking to be reunited with her 9-year-old daughter, who had been in foster care a number of years due to Ms. P.'s substance abuse. Ms. P. had been drug free for a lengthy period of time, but had not yet completed her treatment program because various medical conditions (including diabetes and heart problems) had made it difficult for her to maintain consistent attendance. Her relationship with her daughter had deteriorated and needed improvement because she had had very limited visitation. The agency indicated that she could not be reunited with her daughter unless she completed drug treatment, improved her parent-child relationship, and obtained adequate housing.

BLS represented Ms. P. in an extension of placement proceeding. In addition, when the foster care agency indicated its intention to file a petition to terminate Ms. P.'s parental rights, BLS successfully negotiated with the agency to avert the filing. BLS met with Ms. P.'s substance abuse treatment provider and advocated in and out of court for family therapy services for Ms. P. and her daughter, for weekend overnight visits to take place in her adults-only residential housing and for housing assistance. BLS prepared packages of information regarding Ms. P.'s progress and continuously updated and provided this information to attorneys for the foster care

agency, ACS, the child's law guardian, and the Family Court. After considerable advocacy, Ms. P's daughter was trial discharged to her custody and care.

### **The Case of Ms. M**

ACS removed Ms. M.'s nine-month-old baby, placed him with the paternal grandfather, and charged her with neglect based on allegations that she had "engaged in domestic violence" with the father of the child. Prior to filing the neglect petition, ACS had not given Ms. M. referrals for any services, offered to help place her in a shelter, referred her for counseling, or informed her how to obtain an order of protection. At the time the neglect petition was filed, Ms. M. had already moved out of the apartment she had been living in with the father and was staying with a friend. Shortly thereafter, as a result of pressing charges against the father, she received a Criminal Court Order of Protection.

Ms. M. retained Queens Legal Services (QLS) in the neglect case. The social worker at QLS referred her to the Center for Children and Families for domestic violence counseling and a parenting skills course, advocated on her behalf to ensure that her health insurance would pay for the counseling and assisted her in finding appropriate housing. QLS filed a motion seeking the immediate return of the child and, within days of the request, ACS agreed to return the child to her. After extensive litigation, including the filing of a motion to suppress evidence and a motion to dismiss by QLS, ACS agreed to a settlement giving Ms. M. a one-year Adjournment in Contemplation of Dismissal. QLS also filed a request that the indicated report against M. be expunged and ACS has agreed that it will not oppose expungement at expiration of the ACD period.

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## **LEGAL SERVICES FOR NEW YORK CITY**

**BEDFORD-STUYVESANT COMMUNITY LEGAL SERVICES** — SERVING THE BEDFORD-STUYVESANT AND CROWN HEIGHTS COMMUNITIES FROM ITS NEIGHBORHOOD OFFICE IN RESTORATION PLAZA \* **BRONX LEGAL SERVICES** — SERVING LOW-INCOME PEOPLE THROUGHOUT THE BRONX FROM ITS NORTH OFFICE ON THE GRAND CONCOURSE, ITS SOUTH OFFICE ON COURTLANDT AVENUE, AND AN OUTREACH CENTER LOCATED IN THE BRONX HOUSING COURT \* **BROOKLYN LEGAL SERVICES CORPORATION A** — SERVING LOW-INCOME PEOPLE IN NORTH AND EAST BROOKLYN FROM OFFICES IN WILLIAMSBURG, EAST NEW YORK, AND BUSHWICK \* **BROOKLYN LEGAL SERVICES CORPORATION B** — SERVING LOW-INCOME PEOPLE IN SOUTHERN AND WESTERN BROOKLYN FROM A CENTRAL LOCATION IN DOWNTOWN BROOKLYN \* **HARLEM LEGAL SERVICES** — SERVING LOW-INCOME PEOPLE LIVING IN MANHATTAN NORTH OF 110<sup>TH</sup> STREET TO THE BRONX BORDER AND WEST OF FIFTH AVENUE TO THE HUDSON RIVER \* **LSNY BROOKLYN BRANCH** — SERVING THE POOR OF BROOKLYN FROM ITS MAIN OFFICE ON JORALEMON STREET IN DOWNTOWN BROOKLYN AND OUTREACH OFFICES IN BRIGHTON BEACH AND WILLIAMSBURG \* **LEGAL SERVICES FOR THE ELDERLY** — PROVIDING LEGAL ASSISTANCE TO SENIOR CITIZENS THROUGHOUT NEW YORK CITY THROUGH TRAINING AND CONSULTATION TO ATTORNEYS AND OTHER PROFESSIONALS IN THE AREAS OF ELDER LAW, AGE DISCRIMINATION, PENSIONS, AND DISABILITY AND MEDICAL BENEFITS ISSUES \* **THE LEGAL SUPPORT UNIT** — AN ACCREDITED CONTINUING LEGAL EDUCATION PROVIDER WHOSE ACTIVITIES INCLUDE TRAINING ATTORNEYS, DEVELOPING AND DISTRIBUTING EDUCATIONAL MATERIALS, PROVIDING CONSULTATIONS TO ADVOCATES, AND COORDINATING TASK FORCES IN POVERTY LAW \* **MFY LEGAL SERVICES** — SERVING LOW-INCOME PEOPLE ON THE EAST SIDE OF MANHATTAN INCLUDING EAST HARLEM, THE LOWER EAST SIDE, AND CHINATOWN, AND THE WEST SIDE OF MANHATTAN BELOW 110<sup>TH</sup> STREET, FROM ITS OFFICE ON LOWER BROADWAY AND OUTREACH CENTERS THROUGHOUT THE BOROUGH \* **QUEENS LEGAL SERVICES** — SERVING LOW-INCOME PEOPLE THROUGHOUT QUEENS FROM OFFICES IN LONG ISLAND CITY, SUTPHIN BOULEVARD IN JAMAICA, AND OUTREACH CENTERS THROUGHOUT THE BOROUGH.

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